

**United States Bankruptcy Court
Northern District of Iowa**

IN RE:

PROPERTY HOLDERS, LTD,

Debtor.

Chapter 11

Bankruptcy No. 22-00744

**Response to Joint Motion of Dupaco
and GreenState for Expedited Hearing
on Joint Motion for Relief from the
Automatic Stay**

Debtor, by Rush M. Shortley, its attorney, responds to the joint motion for expedited hearing and requests relief as follows:

1. This statement is undisputed.
2. The parties have stated a proper citation to the local rule to request an expedited hearing.
3. As stated on Debtor's objections to the joint motion filed by these parties, no properties owned by Debtor and mortgage to either of these creditors have been neglected in their maintenance. The photographs submitted with the joint motion for relief are just that—photographs with no explanation of the actual circumstances surrounding the condition of the properties on the day they were taken. Neither creditor or its counsel contacted the debtor's president, Chuck Davisson or its counsel, the undersigned, to make inquiry about the apparent condition of the properties. The only contact undersigned counsel had with any representative of either of the claim holders was a brief phone call from Dupaco's counsel of record one hour and ten minutes before the joint motion was filed stating that the joint motion for relief from the stay was being filed imminently at the behest of her client, and she did not "want to blind-side" me. Undersigned counsel has received no communication from GreenState's counsel regarding the concerns set out in the joint motion regarding the progress of the plan regarding the remaining properties on which it retains mortgage interests. And, as stated in Debtor's objections to the joint motion for relief from the stay, all properties having improvements are insured and the vacant lots are covered by liability insurance.
4. As a result of these two movants failing to get their facts straight before jumping to conclusions, they have improvidently moved for an expedited hearing. Therefore, expedited consideration of their primary motion is wholly unsupported by the facts and

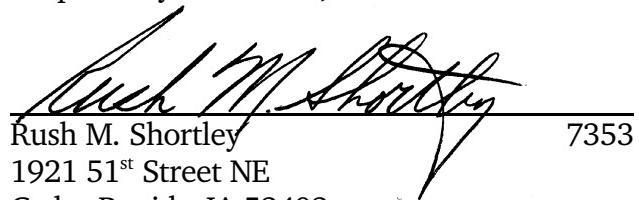
the law.

5. This court has set the requested hearing based on the joint filing of Dupaco and GreenState, which Debtor believes will be found to be wholly unjustified. Although this court granted the basic motion for expedited hearing, it failed to grant the requested relief of requiring Debtor's response to the joint motion for relief in its order.
6. This is merely a statement of the joint movants' intention regarding an evidentiary hearing which has not been set.
7. As a result of this joint motion being filed without cause, Debtor has experienced and may further experience unnecessary legal costs and loss of opportunities by being required to attend to this motion and the joint motion for relief from the automatic stay.

WHEREFORE, Debtor requests that this Honorable Court deny the joint motion for termination of the automatic stay without further hearing or set an evidentiary hearing in the ordinary course of the court's proceedings and for other and further relief this Honorable Court finds agreeable to equity and good conscience.

Respectfully Submitted,

Dated: June 17, 2024


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